

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

NOV - 8 2014

SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk

United States of America)

v.)

Case No. M-14-2143-M

SEE ATTACHMENT I)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/7/2014 in the county of HIDALGO in the
SOUTHERN District of TEXAS, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a) (1)

Knowingly and intentionally
possess with intent to
distribute approximately
105.92 kilograms of
marijuana, a schedule I

This criminal complaint is based on these facts:

On November 7, 2014, at approximately 7:30 a.m. USBP Agents were conducting line watch operations south of Weslaco, TX, when Agents spotted signs of foot traffic north of the River Levee on La Coma Road. Agents proceeded to follow the foot sign from the south while additional Agents closed in from the north. After approximately 1/2 mile, Agents spotted four subjects sitting on top of four large bundles just south of Military Highway 281.

(Continued on Attachment II)

☒ Continued on the attached sheet.

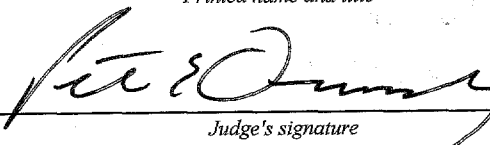
Complainant's signature

Dane Sorensen, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

Nov. 8, 20144:04 pm

Judge's signature

City and state: McAllen, Texas

Peter E. Orsmy, Magistrate Judge

Printed name and title

Attachment I

LOPEZ-Davila, Rogelio Eduardo

YOB: 1994

MEX. CTZ.

SANTANA-Garcia, Victor Antonio

YOB: 1995

MEX. CTZ.

HERNANDEZ-Garcia, Erik

YOB: 1995

MEX. CTZ.

Attachment II

Agents immediately identified themselves as US Border Patrol Agents, to which the four subjects attempted to flee. Agents quickly apprehended three subjects, later identified as Erik HERNANDEZ-GARCIA, Victor Antonio SANTANA-GARCIA, and Rogelio Eduardo LOPEZ-DAVILA near the bundles. The forth subject was able to escape capture. Agents conducted a thorough search of the surrounding area and were able to locate four bundles of marijuana weighing a total of 105.92 kg (233.0 lbs.) Agents transported the four bundles of marijuana and three subjects to the Weslaco USBP Station.

On same date, DEA SA Dane Sorensen and TFO Ralph Garcia responded to the Weslaco USBP Station to conduct post-arrest interviews with HERNANDEZ-GARCIA, SANTANA-GARCIA, and LOPEZ-DAVILA. SA Sorensen advised the aforementioned subjects of their Miranda Rights individually in the Spanish language.

SANTANA-GARCIA advised Agents that he did not wish to answer any questions and SANTANA-GARCIA was not questioned.

HERNANDEZ-GARCIA acknowledged and waived his rights and admitted he was hired by an unidentified individual in Rio Bravo, Tamaulipas, Mexico to assist in smuggling the bundles from Mexico into the United States in exchange for being crossed into the United States. HERNANDEZ-GARCIA stated that he was transported by the individual to the river where he crossed with LOPEZ-DAVILA and SANTANA-GARCIA. HERNANDEZ stated that LOPEZ-DAVILA and SANTANA-GARCIA assisted him with carrying the bundles until they were arrested by the US Border Patrol.

LOPEZ-DAVILA acknowledged and waived his rights and admitted that he had met with individuals known only as PELON and MIKE who offered him work carrying bundles of marijuana from Mexico into the United States in exchange for \$200.00 US dollars. LOPEZ-DAVILA stated that he along with SANTANA-GARCIA and HERNANDEZ-GARCIA had crossed the river from Mexico in rafts with the bundles of marijuana, and once in the United States, he along with SANTANA-GARCIA and HERNANDEZ-GARCIA carried the bundles of marijuana north, until they were arrested by the US Border Patrol. LOPEZ stated that this was the first time he had attempted to smuggle marijuana into the United States.